

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
v. )  
Plaintiff, )  
BILLY JAMES MENEES, )  
Defendant. )  
Case No. CR-21-151-TDD

## ORDER

Before the Court is Defendant Billy James Menees' Motion to File *Ex Parte* Additional Proposed Jury Instructions [Doc. No. 228]. By his motion, Defendant requests leave to file additional proposed jury instructions *ex parte*, arguing that the instructions "detail potential issues of proof, a variety of defensive theories, and strategic decisions made by the defense." Def.'s Mot. at 2. Accordingly, he asks that the instructions only be made "available to the Government . . . after evidence has closed and the Court has finally determined it will not allow the Government to reopen evidence." *Id.* Defendant's proposed instructions are attached to his motion. See [Doc. No. 228-2].

Under LCrR12.2, “any party requesting that any pleading, document, or other matter be filed under seal (such as *ex parte* motions . . . ) . . . shall file an application and proposed order with the assigned judge.” *See also* LCrR12.1(f)(5)(D) (authorizing parties to seek leave to file motions for extensions of time or continuances *ex parte* “[i]f the motion would require divulging trial strategy”). Aside from his argument that the proposed instructions detail issues of proof, defensive theories, and strategic decisions, Defendant fails to cite

any authority in support of his additional request regarding the timing of disclosure of requested jury instructions to the government. The Court will determine the timing of disclosure of Defendant's requested jury instructions that are filed *ex parte*, which will likely coincide with the first jury instructions conference. To that end, Defendant is directed to submit to the Court a set of the instructions without supporting argument or case-specific explanations.

**IT IS THEREFORE ORDERED** that Defendant's Motion to File *Ex Parte* Additional Proposed Jury Instructions [Doc. No. 228] is **GRANTED** in part and **DENIED** in part as set forth herein.

**IT IS SO ORDERED** this 8<sup>th</sup> day of February, 2023.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE